



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
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**Board of Health Meeting Minutes
Wednesday, April 12, 2017
BOH Conference Room
Arlington Senior Center
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Dr. Kevin Fallon, Mr. Kenneth Kohlberg

Staff in Attendance: Natasha Waden, Health Compliance Officer, Kylee Sullivan, Health Compliance Officer, James Feeney, Assistant Town Manager

Others in Attendance: Joseph Lekach, MPF; Lisa & Tess Reynolds; Karen Thomas-Alyea; Patricia Worden; John Worden; Brenda Mahoney, ACMI; Valerio Romano VLR Law Firm

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.

Dr. Marie Walsh Condon **Tabled** the March 8, 2017 meeting minutes to the May 23, 2017 meeting.

Hearing: Keeping of Hens – 1 Pond Terrace

Ms. Waden informed the Board of Lisa Reynolds' application to keep hens on her property at 1 Pond Terrace. She noted the plans submitted in the application are compliant with the hen keeping bylaw. Ms. Waden informed the Board she has been working with Ms. Reynolds on a comprehensive maintenance schedule which included daily, weekly, monthly, and seasonal schedules. Ms. Reynolds addressed the Board and supplied details regarding the new maintenance schedule. She informed the Board she plans on starting with four (4) hens, and has not yet finalized plans as to the acquisition of chicks or pullets.

A Motion was made by Dr. Fallon, which was seconded by Mr. Kohlberg, to approve the application for keeping of hens at 1 Pond Terrace, conditional upon the final site inspection, and proof of vaccinations to be provided to the Health Department.

Vote: Motion Approved Unanimously (3-0)

Hearing: Variance Request – Jimmy’s Steer House

Ms. Waden informed the Board that Jimmy’s Steer House application for a variance request to use time only, rather than time in conjunction with temperature, as a public health control to hold Prime Rib at a temperature of 125 degrees F for no more than 4 hours is incomplete and requested this agenda item be Tabled to the May 24, 2017 meeting.

Hearing: Permit to Operate a Registered Marijuana Dispensary – 11 Water Street

Inspector Natasha Waden informed the Board that on April 5, 2017 she received a permit application from the Massachusetts Patient Foundation to operate a Registered Marijuana Dispensary at 11 Water Street, Arlington, MA. She stated that she and Mr. James Feeney conducted a preliminary review the application and plans that were submitted. She further noted there was insufficient time to review in detail all the materials submitted, as well as the supplemental materials that were submitted upon request. Ms. Waden introduced representatives of the Massachusetts Patient Foundation to the Board to present their request.

Mr. Joseph Lekach, Founder of the Massachusetts Patient Foundation, and Attorney Valario Romano of VGR Law Firm, presented a Power Point Presentation to the Board in support of the permit application submitted by Massachusetts Patient Foundation to operate a Registered Marijuana Dispensary at 11 Water Street, Arlington. They informed the Board they are a Chapter 180 Non-Profit organization, and gave an overview of the executive management team, with their respective backgrounds. They informed the Board that the location in Arlington will be for dispensing only and all cultivation, processing, and packaging will be conducted at their Fitchburg, MA location (a former site of Bayer Pharmaceuticals). They stated they have a special permit in both Fitchburg and Westminster to cultivate and process medical marijuana. Mr. Lekach stated that under a separate organization, he currently operates a dispensary in Oregon for both medical and recreational marijuana. He also stated that besides Arlington, MA they are engaged in the process of opening dispensaries in Lynn and Holyoke. He informed the Board that he and his family will be moving to Massachusetts. All products in Arlington will be prepackaged and labeled with active ingredients as required by the DPH. They presented the Board with a copy of the floor plan of the Arlington location. They informed the Board that they have been through all of the required channels including the Department of Public Health, the Arlington Board of Selectmen, who provided a letter of non-opposition, and the Arlington Redevelopment Board, who issued a special permit. They further stated they have had several discussions with Police Chief Ryan, Town Manager, Adam Chapdelaine, and Town Counsel, Doug Heim. They provided a step by step process as to how a patient would purchase medical marijuana at their facility including identification checks including 2 forms of ID, entering data in the DPH data base to confirm purchasing limit, and security measures. They informed the Board that upon the first visit patients will meet with a Cannabis Education Specialist, and will be provided a patient handbook, which they have in different languages, and formats for sight impaired patients. The Board inquired about the credentials of the Cannabis Education Specialist, and was informed there are no specific medical credentials for this position. They further stated it is their hope to hire local residents whenever possible.

The Board was informed no Marijuana products or medical waste will be disposed of on-site and only standard “office trash” will be disposed of on site. All expired products will be clearly marked waste, locked in the vault, and removed by employees following DPH requirements, which was explained in detail. Product use is not permitted on-site.

Ms. Patricia Worden stated that with 99% confidence, current laws will allow medical marijuana dispensaries to become recreational marijuana dispensaries, which she believes will allow this facility to become a “pot shop” and “pot café”. She expressed “shock” that this will be allowed in Arlington which will cause extreme damage to children, whose brains are yet to be fully developed. She stated her own grandson is a patient at a pediatrician’s office at this Water Street location. Ms. Worden stated she was disturbed that in the presentation there was no reference to the Police Chiefs comments of opposition. She further stated that this location is a “cut-through” from the Gibbs School, which will once again be an operational middle school.

Attorney Valerio Romano stated that Special Permit received from the Redevelopment Board is exclusively for the sale of medical marijuana only, and it is not their intent to sell recreational marijuana at this location.

Ms. Thomas-Alyea addressed the Board in opposition to the permitting of the Massachusetts Patient Foundation Registered Marijuana Dispensary at this location. She stated that there currently is no buffer zone in place. She stated the location at 11 Water Street is in the heart of the center of town and this location has Pediatrician Offices, Nurse Practitioner Offices, and is close to a pre-school, church, public library, park, toy store, and bike path. She expressed concern regarding individuals using the products in the stairwells, hallways, street, and parking lot. She expressed frustration that her concerns have been ignored, and wants to express these concerns for the thousands of school children within the community.

John Worden asked clarification on the “Non-Profit Status” of the Massachusetts Patient Foundation. Attorney Valerio Romano of VGR stated the Massachusetts Patient Foundation is in compliance with the non-profit requirements of 105 CMR 725.100(A)(1). He further stated that there are many expenses in the start-up and operation of the facility.

The Board decided to table the vote to the May 24, 2017 meeting, to allow time to review all the materials presented, and to verify if policies and procedures are in compliance with the BOH Medical Marijuana Regulations.

Discussion: Draft Dumpster Regulations:

Inspector Waden informed the Board they have begun compiling dumpster regulations from surrounding communities, including Belmont, Somerville and Lexington for the purpose of updating Arlington’s Dumpster Regulations. Inspector Kylee Sullivan stated that Arlington has a great foundation, but there is room for improvement, including compost and commodity haulers, and making it clear who is responsible for each dumpster. With the increase in rodent activity, the Health Department believes stricter regulations and permitting requirements for dumpsters is imperative. The Board was provided with an initial draft of proposed ideas for dumpster regulations for discussion, but a polished up copy, including a clearly defined Scope and Purpose will be provided at a future meeting. Contractor, construction, and one-time use dumpsters will continue to be permitted and enforced at the Building Department.

Discussion: FDA Retail Food Standards-2013 Food Code:

The Board of Health has been awarded a \$10,000 AFTO grant to begin the process to implement the FDA Retail Food Standards to the 2013 Food Code. Currently the BOH is enforcing the 1999 Food Code. The Board of Health would like to invest in inspectional software, and hopes to update inspectional forms, and provide training,

to conduct more uniform inspections, and are working with a Consultant, Maureen Lee of Food Service Solutions, to assist in this process. Inspector Waden would like to invite Ms. Lee to the June 21, 2017 meeting.

Environmental Updates:

Ms. Waden informed the Board that she conducted site walks with Environmental Health Services (EHS) technicians, to evaluate problematic rodent areas that have been identified throughout town. She also informed the Board that the BOH will be hosting 2 rodent seminars and inviting property owners, business owners, and residents who are in affected areas to get together to discuss solutions.

Ms. Waden reported to the Board that she reviewed Arlington's Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products and associated amendments in 2013 and 2014, but did not find any mention of the attrition of tobacco permits. Ms. Waden stated that she would follow up with D.J. Wilson of the Mass Municipal Association to discuss the possibility of amending our regulations.

Restaurant Updates

Inspector Waden informed the Board:

- Punjab is not open as of yet due to a situation regarding an insurance settlement for the establishment, and there are no further updates available at this time.
- Café Nero in Arlington Center (formerly CVS) will open within the next month.
- Twyrl has inquired about the space in Arlington Center (formerly Madrona Tree). The BOH is still awaiting a Plan Review.
- Mamadou's has submitted a Plan Review
- 3 establishments came in for administrative meetings. 1 establishment will be hiring a consultant; the additional 2 will be providing additional information to the Board of Health.

Public Health Nurse Updates

The Board of Health is in the 2nd round of interviews for hiring a Public Health Nurse.

Public Comment

None

Meeting was adjourned at 7:45 pm.